

TYRONE LAMONT REED, SR.,  
Petitioner,  
v.  
MARTIN BITER,  
Respondent.

Case No. 16-cv-6192-TEH

ORDER OF DISMISSAL

Dkt. No. 2

Petitioner Tyrone Reed, a state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Docket No. 1. On the same day the action was filed, the Court notified Petitioner in writing that his action was deficient because he did not pay the requisite \$ 5.00 filing fee or, instead, submit with his in forma pauperis (IFP) application a completed certificate of funds in his prison trust account (COF) signed by an authorized officer and a copy of his prison trust account statement for the last six months. See 28 U.S.C. § 1915(a)(2). The notice informed Petitioner that if he did not pay the fee or submit the required documents within twenty-eight days from the date of the notice, his action would be dismissed and the file closed.

More than twenty-eight days have passed since the notice was filed and Petitioner has not paid the fee or provided the Court with the requisite items, or otherwise communicated with the

1 Court. Accordingly, the action is DISMISSED without prejudice  
2 and Petitioner's incomplete motion to proceed in forma pauperis  
3 (Docket No. 2) is DENIED.

4 Because reasonable jurists would not find the result here  
5 debatable, a certificate of appealability ("COA") is DENIED. See  
6 Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (standard for  
7 COA). The Clerk shall close the file.

8 IT IS SO ORDERED.

9 Dated: 12/05/2016

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11 THELTON E. HENDERSON  
12 United States District Judge

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